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Final Regulation Agency Background Document

Agency name	Virginia Department of Education (20)
Virginia Administrative Code (VAC) citation	<u>8</u> VAC <u>20-660</u>
Regulation title	Re-enrollment in Public Schools of Children in the Custody of the Department of Juvenile Justice
Action title	Procedures for transition and e-enrollment of students in the custody of the juvenile justice system into the public schools
Date this document prepared	1/11/06

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The regulation is new. The regulation provides a structured procedure for re-enrollment of students into the public schools when they have been in the custody of the juvenile justice system and receiving instruction through the Department of Correctional Education or through the Detention Home Education Program. The regulation would provide for the exchange of educational information concerning students among the Departments of Juvenile Justice and Correctional Education or Detention Home Education Program and the public school divisions. By establishing a collaborative process for re-enrollment, including timely exchange of student records and delineated procedures, responsibilities, components of the re-enrollment plan, and timelines, planning for the student's continued education can take place on a timely basis prior to a student's release from the juvenile justice system and re-enrollment can occur without delays.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

Final adoption of the *Regulations Governing the Re-enrollment of Students Committed to the Department of Juvenile Justice* (8 VAC 20-660-10 et seq.) took place by the Virginia Board of Education on January 11, 2006.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

Authority from the Code of Virginia:

§ 22.1-17.1. The Board of Education, in cooperation with the Board of Correctional Education, shall promulgate regulations for the re-enrollment in the public school of children who have been in custody of the Department of Juvenile Justice. Such regulations shall include the components required in a re-enrollment plan and shall provide for consistency in the curricula, standards and polices between educational programs required by this title, and those of the Board of Correctional Education.

§ 22.1-343.5. The Board of Correctional Education shall have the following powers and duties: To promulgate regulations, in cooperation with the Board of Education, for the reenrollment in the public schools of students who have been in the custody of the Department of Juvenile Justice. Such regulations shall include the components required in a reenrollment plan and shall provide for consistency in the curricula, standards and policies between the educational programs required by this chapter, and those of the Board of Education

§ 16.1-293. The Department shall notify the school division superintendent in the locality where the juvenile was enrolled of his commitment to a facility. The court services unit shall, in consultation with the Department of Correctional Education, the local school division, and the juvenile correctional counselor, develop a reenrollment plan if the juvenile is of compulsory school attendance age or is eligible for special education services pursuant to § [22.1-213](#). The reenrollment plan shall be in accordance with regulations adopted by the Board of Education pursuant to § [22.1-17.1](#). The superintendent shall provide the juvenile's scholastic records, as defined in § [22.1-289](#), and the terms and conditions of any expulsion which was in effect at the time of commitment or which will be in effect upon release. A court may not order a local school board to reenroll a juvenile who has been expelled in accordance with the procedures set forth in § [22.1-277.06](#). At least fourteen days prior to the juvenile's scheduled release, the Department shall notify the school division superintendent in the locality where the juvenile will reside.

§ 16.1-287. Whenever the court commits a child to the Department of Juvenile Justice, or to any other institution or agency, it shall transmit with the order of commitment copies of the clinical reports, predisposition study and other information it has pertinent to the care and treatment of the child. The Department shall not be responsible for any such committed child until it has received the court order and the information concerning the child. All local school boards shall be required to furnish the Department

promptly with any information from their files that the Department deems to be necessary in the classification, evaluation, placement or treatment of any child committed to the Department. The Department shall likewise be required to furnish local school boards academic, and career and technical education and related achievement information promptly from its files that the local school board may deem necessary when children are returned to the community from the Department's care. The Department and other institutions or agencies shall give to the court such information concerning the child as the court at any time requires. All such information shall be treated as confidential.

§ 22.1-289.E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § [16.1-287](#), the Department of Correctional Education, pursuant to § [22.1-344](#) of this title, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Correctional Education shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center of the Department of Juvenile Justice to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

It is the intent of the Board of Education, through these regulations, to:

- Create a positive impact on the family, the student, court services, school divisions and correctional centers, as they are seeking to continue the student's education upon his or her release from a juvenile correctional center
- Provide for consistency in curricula, standards and policies between all educational programs
- Provide for the timely transfer of information among court services, school divisions and correctional centers or detention centers/homes
- Provide students with timely involvement in appropriate educational programs, while in correctional centers or detention homes or centers and local school divisions upon release
- Encourage dissemination of information about, and increase public knowledge about, these regulations and the re-enrollment procedures overall
- Enhance communication, cooperation, and coordination of services among the public systems required to provide for the educational needs of juvenile parolees

It is the goal of the Board of Education, through these regulations, to identify and define the roles and responsibilities of the participants and the required components of the re-enrollment plan and its implementation. Improving the re-enrollment process should facilitate the attendance and continued educational progress of students.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The proposed regulations are new.

The proposed regulations are organized into four sections:

The Foreword, which explains its purpose and goals

Part I, which provides definitions of terms, such as "re-enrollment plan," "re-enrollment team," "scholastic record," and "transition team"

Part II, which presents the minimum components of the re-enrollment plan, including educational status of the student, recommendations for academic programs and student supports, re-entry goals, and timelines for: (1) notification of scheduled release or court review to the Department of Correctional Education and the receiving school division; (2) for re-enrollment; and (3) for school placement

Part III, which delineates the re-enrollment process, procedures, and responsibilities of participating agencies, the re-enrollment and transition teams, and school divisions. The procedures include the notification and convening of teams, the development of the final re-enrollment plan, and the process of re-enrollment

Part IV, which provides the procedures for the maintenance and transfer of the scholastic record

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
 - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
 - 3) other pertinent matters of interest to the regulated community, government officials, and the public.*
- If there are no disadvantages to the public or the Commonwealth, please indicate.*

The proposed regulations pose no disadvantage to the public or to the Commonwealth. The proposed regulations will specify the procedures for a smooth uninterrupted transition back into the public school system for students who have been in juvenile correctional centers and been receiving education from the Department of Correctional Education.

Enrollment of these students can be delayed and the completion of an academic program jeopardized if complete information about grades, courses, academic goals, needed support services, and other

aspects of the student’s experience with the Department of Correctional Education are not received within a time frame that would allow collaborative re-entry planning. Lack of planning can result in the failure of a student to receive the appropriate educational services in the public school. It is crucial that students are involved in an appropriate educational program while in correctional centers and upon release. The incidence of recidivism becomes greater when enrollment is not available soon after release. Improving the re-enrollment process should facilitate the attendance and continued educational progress of students.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
Foreward	Presents purpose and goals of regulations	Addition of detention homes and centers to participating agencies	Response to public comment
Part I, 8 VAC 20-660-10. Definit ions	Provides meaning of words and terms used in the regulations	<p>Definitions of “educational status” and “eligible” added</p> <p>Reference to “compulsory school attendance” in “educational programs” deleted</p> <p>Reference to “compulsory” deleted from school attendance age in definition of “preliminary re-enrollment plan”</p> <p>Definition of “re-enrollment” added</p> <p>References to detention home/center personnel and Individualized Education Plan</p>	<p>For specificity and consistency</p> <p>To expand application to students age 18 and over</p> <p>To expand eligibility for students to have a re-enrollment plan to students age 18 and over</p> <p>For specification</p> <p>To include detention centers/homes and to specify</p>

		<p>(IEP) team added to named personnel who work with the re-enrollment coordinator under definition of “re-enrollment coordinator”</p> <p>Under definition of “re-enrollment team,” “or qualified designee” added after “special education director”</p> <p>Under definition of “re-enrollment team,” reference to required consultation with the student added</p> <p>Under definition of “re-enrollment team,” reference to coordination with IEP team if student is eligible for special education added</p> <p>Definition of “students in detention homes/centers:” added</p> <p>Under definition of “transition team,” references to detention homes/centers and the IEP team if applicable are added</p>	<p>involvement of IEP team if applicable</p> <p>To permit designee to participate in re-enrollment team meetings if special education director is not available</p> <p>To specify student participation in planning</p> <p>For specificity</p> <p>To specify students in detention homes or centers for more than 30 calendar days</p> <p>To include detention homes/centers and specify coordination with IEP team if applicable</p>
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		<p>Under definition of “transition team,” “in consultation with the student” added to reference to development of preliminary re-enrollment plan</p>	<p>To specify participation of the student</p>
<p>Part II, 8 VAC 20-660-30</p>	<p>Presents minimum components of re-enrollment plan</p>	<p>Under A.(1), reference to educational status and recommendations “at” commitment changed to “prior to” commitment</p> <p>Under A.(4), reference to educational goals “developed in coordination with the student’s IEP team if applicable” added</p> <p>Under A, number 8 added to include contact information for agencies involved in development of re-enrollment plans</p>	<p>For clarity</p> <p>For specificity</p> <p>For specificity and ease of communication</p>
<p>Part III, 8 VAC 20-660-40</p>	<p>Delineates the re-enrollment process, procedures, and responsibilities of participating agencies and school divisions</p>	<p>Under A. Notification and Convening of Teams (1) “detention home/center educational program principal” added to parties to receive notification of release or scheduled case review in court</p> <p>Under A.(2), “detention home/center superintendent” added to parties responsible for providing a letter of</p>	<p>To include detention homes/centers</p> <p>To include detention homes/centers</p>

		<p>pending release to the receiving school division</p> <p>Under A.(3), “Detention Home Educational Program” added to parties responsible for forwarding the student’s scholastic record and preliminary re-enrollment plan to school division</p> <p>Under A.(3), “student” amended to “student’s” in reference to scholastic record</p> <p>Under A.(3) and A.(4), consultation with the student added</p> <p>Under B. Development of Final Re-Enrollment Plan (1)(d), “contact information” for the members of the transition and re-enrollment teams</p> <p>Under B.(1)(e), reference to “an approved IEP if the student is enrolled in special education” is added</p> <p>Under C. Re-enrollment, number 4 is added to require</p>	<p>To include detention homes/centers</p> <p>For clarity</p> <p>To specify student participation in the development of the preliminary re-enrollment plan and final re-enrollment plan</p> <p>For specificity</p> <p>For specificity</p> <p>To support the transition for the</p>
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		<p>“weekly counseling for a determined period of time” upon re-enrollment</p> <p>Under C, number 5 is added to specify the protection of the confidentiality of the student’s juvenile justice record</p>	<p>student</p> <p>For specific reference to confidentiality</p>
<p>Part IV, 8 VAC 20-660-50</p>	<p>Provides the procedures for maintenance and transfer of student record</p>	<p>Under B., reference to “special education eligibility and services” added for inclusion in student’s record</p> <p>Under B., reference to detention home/center and Detention Home Education Program added to parties to receive student’s record</p> <p>Under C., reference to Detention Home Education Program added to parties to provide year-end transcripts to sending school division</p>	<p>To specify the provision of a comprehensive record that includes special education and related services if applicable</p> <p>To include detention homes/centers</p> <p>To include detention homes/centers</p>

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

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Name/Organization	Comment/Recommendation/Amendment	Agency Response
<p>Wayne B. Thomas Chair State Advisory Committee on Juvenile Justice</p>	<ul style="list-style-type: none"> • Letter of support • Advisory committee commends development of regulations • Advisory Committee on Juvenile Justice “strongly endorses” the proposed regulations • Regulations include essential elements for successful transition: help ensure smooth transitions for youth include clear roles and responsibilities to facilitate inter-agency communication and coordination include provisions for transfer and maintenance of records include timelines for prompt enrollment 	<p>None required</p>
<p>James S. Turpin Chairman, Board of Juvenile Justice Board of Juvenile Justice P.O. Box 1110 Richmond, VA 23218- 1110</p>	<ul style="list-style-type: none"> • Letter of support • Board of Juvenile Justice endorsed concepts and goals of regulations on September 14, 2005 at regularly scheduled meeting • Board commends Virginia Board of Education, the Department of Education, the Department of Correctional Education, and the Department of Juvenile Justice in development of regulations • Specification of responsibilities of all participants in the re-enrollment plan “goes far in facilitating re-enrollment, increasing student attendance, and ultimately student achievement • Re-enrollment planning provides for consistency in curricula across educational programs and timely transfer of information between court services, school divisions, and correctional centers • “Co-operative re-enrollment planning creates a positive impact on the family, the student, court services, school divisions and correctional centers...” • “...re-enrollment planning can support students’ involvement in appropriate educational programs, both while in the correctional center and local schools divisions upon release from the correctional center.” 	<p>None required</p>

<p>Bev Lammay Legislative Liaison Public Relations Office Henrico County Public Schools P.O. Box 23120 Richmond, VA 23223</p>	<ul style="list-style-type: none"> • Written comment • Re-enrollment regulations should apply to students committed to the Department of Juvenile Justice for a minimum of 30 days if detention centers are included • Suggest that parole officers be invited to participate in the re-enrollment team meetings, rather than be required to be part of the team • Final re-enrollment plan needs to be acceptable to the student’s parent(s), legal guardian(s), school social worker, and parole officer—re-enrollment plan development needs to be collaborative 	<p>Detention centers/homes have been specified in the revised proposed regulations. The revised proposed regulations specify in the definition section that a “student in detention” is a student who has been a resident for more than 30 calendar days.</p> <p>Parole officers are critical members of the transition and re-enrollment planning teams, since they have worked with the student throughout his or her time in the juvenile justice system. The task force that drafted the regulations included parole officers and specified that to promote collaboration and information sharing, the planning teams shall be representative of participating agency personnel.</p>
<p>Denise White Coordinator of Student Services Office of Student Leadership Virginia Beach City Schools</p>	<ul style="list-style-type: none"> • Written comment • The timeline has an impact on administrative time. With scheduling of re-enrollment planning meeting at the school division within 10 (business) days of receipt of the student’s scholastic record, and providing one week’s notice prior to the meeting, enrollment coordinator has only three days to coordinate meeting schedules. “This timeframe does not allow for the coordination of schedules when it is required that people from many different departments attend the meeting.” • The regulations state that all members of the re-enrollment team attend the planning meetings; no leniency is given to designees. “Of particular concern is the special education director. It would be impossible for the director to attend the re-enrollment of all the students returning from incarceration who receive special education services. If someone with 	<p>The timeline was developed by the multidisciplinary task force that drafted the proposed regulations. School divisions were represented on the task force. The proposed regulations provide for the notification to a school division of pending release and an informative outline of the re-enrollment process at least 25 calendar days prior to the scheduled release. At least 25 calendar days prior to court</p>

	<p>expertise in special education were required, it would seem appropriate to provide for a designee...”</p> <ul style="list-style-type: none"> • It should not be mandatory to invite the school psychologist or school social worker to a re-enrollment planning meeting. The re-enrollment coordinator should be able to decide • “It is an additional burden for school divisions to increase the multidisciplinary team (for re-enrollment) to include guidance counselors, principals/assistant principals, director of special education, psychologists and social workers.” • Projected that 80 students who exit from corrections each year are from Virginia Beach. “It would require additional administrative office staff to coordinate the meetings, conduct the meetings, and complete the required paperwork” • “The re-enrollment coordinator, and director of special education, would be required to travel to approximately 80 additional meetings, which would cost around \$1,600.” 	<p>review or pending release of a student, the student’s scholastic record and a preliminary re-enrollment plan are to be sent to the receiving school division. Upon notification of a pending release, the school division’s re-enrollment coordinator can begin to immediately convene the re-enrollment team.</p> <p>The revised proposed regulations include a provision for a qualified designee should the special education director be unavailable. The school psychologist and school social worker provide services to students and have a legitimate and role in transition planning. The proposed regulations ensure that the opportunity to include these persons is provided. The guidance counselor, principal or assistant principal, and special education director as appropriate, have skills, responsibilities and roles that are essential to comprehensive planning for successful re-entry into schools for students. These positions were named as important members of the re-enrollment team by the task force drafting the regulations.</p>
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<p>Neelum Arya Soros Justice Fellow Youth Law Center 1701 K Street, N.W., Suite 600 Washington, D.C. 20006</p>	<ul style="list-style-type: none"> • Public comment and letter • Have conducted focus groups in Richmond, Virginia as part of project “Expanding Educational Opportunities for Vulnerable Youth.” Youth and parent spoke “repeatedly of problem with enrollment after placement change, lost credits, and bureaucratic rules that contributed to disruption of educational services” • Believe that “the proposed regulations take a major step forward in addressing these problems and commend the Department for drafting regulations that include the essential elements needed to ensure the successful transition of youth from detention to school.” • Proposed regulations provide clear roles and responsibilities to facilitate inter-agency communication and coordination, provisions for transfer and maintenance of records, and timelines to ensure that youth are enrolled promptly. • Explicit inclusion of youth as part of the team planning process will help development of plan and eventual success of the transition. Recommend adding student to definition of the re-enrollment team and include student in the development of the final plan. Amend 8 VAC 20-660-30 (A)(1) to “prior to commitment” from “at commitment” in order to clarify that a complete educational history of the student is needed. • Replace wording of 8 VAC 20-660-40 C(1) with “The student shall be re-enrolled within the receiving school district within two school days of release.” 	<p>Wording has been added to the revised proposed regulations to specify that the preliminary re-enrollment plan and final re-enrollment plan is developed in consultation with the student.</p> <p>8 VAC 20-660-30 A.(1) has been revised to replace the wording “at commitment” with “prior to commitment.”</p> <p>Wording of 8 VAC 20-660-40 C. (1) remains as task force recommended.</p> <p>The language in Part II, A. (3), “educational status and recommendations while in the custody of the Department of Juvenile Justice,” encompasses detention centers and homes and commitment facilities. The schools receiving students with required re-enrollment planning are specified in the Code of Virginia as public schools, as indicated in the Foreword of the proposed regulations. The final re-enrollment plan is based on the preliminary re-enrollment plan as prepared by the transition team.</p>
<p>Joe Scantlebury Youth Law Center</p>	<ul style="list-style-type: none"> • Public comment in support 	<p>None required</p>
<p>Robert E. Shepherd, Jr. Emeritus Professor of Law Chair, Commission on the Needs of Children of</p>	<ul style="list-style-type: none"> • Letter of support • Encourage adoption of regulations • Commission believes regulations will “aid immeasurably in ensuring that juveniles leaving 	<p>Wording has been added to the revised proposed regulations to specify that the preliminary re-</p>

<p>the Virginia Bar Association University of Richmond Richmond, VA 23173</p>	<p>the custody of the Department (of Corrections) will transition much more smoothly into the schools back in their local communities.”</p> <ul style="list-style-type: none"> • A number of studies confirm the significant correlation between education and reducing recidivism rates.” • “The proposed regulations fulfill the important task of establishing time lines to require school districts to promptly enroll students leaving DJJ custody into a school in the community.” • Vital feature of regulations is “involvement of key individuals at Department of Correctional Education and the school in the community to which the child is returning, as well as the involvement of the child and his or her family. • Strengthen the child’s role in process by requiring that “the transition team develop the preliminary re-enrollment plan in consultation with the child (8VAC 20-660-40(a)) and that the child approve the final plan.” Greater involvement means greater stake in the process and an increased likelihood of successful school integration. • Adopt regulations on a high priority basis and implement swiftly to ensure an early introduction of the re-enrollment plans 	<p>enrollment plan and final re-enrollment plan is developed in consultation with the student.</p>
<p>R. Oliver Branch Student, Disability Law Clinic Adrienne E. Volenik Director, Disability Law Clinic Children’s Law Center University of Richmond School of Law 28 Westhampton Way University of Richmond, VA 23173</p>	<ul style="list-style-type: none"> • Letter of support and public comment • Children’s Law Center have represented clients transitioning from juvenile correctional centers or post-dispositional programs who have experienced delays in re-enrollment and unclear school policies that impact process • Structured educational program supports transition to home environment • Proposed regulations will help prevent relapse into behaviors detrimental to learning by preventing long delays in enrollment • Believe that regulations are good for Virginia youth • Regulations would increase inter-agency communication and cooperation • Delayed re-entry puts youth at risk for further delinquent behavior • Recommend that the regulations be amended to explicitly include the youth in the re-enrollment process to assess educational goals and needs. Recommend “the student should be a member of both the transition team and the re-enrollment team.” Electronic participation would be acceptable. • Recommend that language in 8 VAC 20-660-40 A.(4) stating that “The student shall be consulted in the development of the plan” to 	<p>Wording has been added to the revised proposed regulations to specify that the preliminary re-enrollment plan and final re-enrollment plan is developed in consultation with the student. Language reflects objective of student participation. Language in 8 VAC 20-660-40 C.(1) remains the same to reflect responsibilities of all parties to achieve re-enrollment within a maximum of two days of release.</p>

	<p>“Within 10 business days of receipt of the materials, the re-enrollment coordinator shall convene the re-enrollment team to review the preliminary re-enrollment plan and develop the final plan <i>in consultation with the student who shall also have the opportunity to participate in the meeting where the final re-enrollment plan will be developed.</i>”</p> <ul style="list-style-type: none"> • Recommend that language of VAC 20-660-40 C.(1), “The re-enrollment plan shall make it possible for the student to enroll and receive instruction in the receiving school district within two school days of release” with “<i>The re-enrollment plan shall be implemented by the receiving school district so that the student shall be re-enrolled within two school days of the student’s release.</i>” 	
<p>Peter E. Leone Professor & Director Candace A. Mulcahy Project Coordinator University of Maryland College of Education Department of Special Education 1308 Benjamin Building College Park, Maryland 20742</p>	<ul style="list-style-type: none"> • Letter of support • Add “Educational status” to definitions in Part I, define to include standardized test results and other assessments; special education eligibility and related information, credits and partial credits earned by subject area while in juvenile justice system • Add name and phone number of contact person in juvenile facility who can respond to questions about educational status • In Part II, add language that specifies that re-enrollment plans include information about educational status “at time of custody in detention centers and/or commitment facilities” • Add language delineating what is an “acceptable” receiving school • Include language in Part III that defines the receiving school’s obligation for providing appropriate educational services that are aligned with the student’s re-entry plan • Include language in Part III describing the receiving school’s responsibility to protect confidentiality of the student’s juvenile justice history • In Part IV, modify language in section “C” to require that Department of Correctional Education provide copies of transcripts that include partial credits 	<p>“Educational status” has been added to the definitions, Part I. The revised proposed regulations include references to provision of contact information for participating agencies. Language has been added to Part III of the revised proposed regulations to specify protection of a student’s juvenile justice history. Language has been included in the definition of “educational status” added to the revised proposed regulations I Part I to include partial credits earned.</p>
<p>Vicki Blankship Board Chair Coalition for Juvenile Justice Fernando Muia Co-Chair National Juvenile Justice Network 1710 Rhode Island</p>	<ul style="list-style-type: none"> • Letter of support • Regulations contain key components: highly specific educational plans maintenance and transfer of school records swift two day re-enrollment timeline 	<p>None required</p>

<p>Avenue, NW, 10th Floor Washington, DC 20036</p>		
<p>National Juvenile Justice Delinquency Prevention (NJJDP) Coalition</p>	<ul style="list-style-type: none"> • Letter of support • Regulations promote smooth transition by requiring comprehensive re-enrollment plans, educational record accessibility and maintenance, two-day timeline for re-enrollment into school, clear roles and responsibilities 	<p>None required</p>
<p>Anna Jane I. Zarndt Student, Juvenile Law and Policy Clinic T.C. Williams School of Law University of Richmond Richmond, VA 23173</p>	<ul style="list-style-type: none"> • Public comment and written testimony • Support of regulations on behalf of the Juvenile Law and Policy Clinic • Regulations promote teamwork among schools and juvenile justice agencies 	<p>None required</p>
<p>Melissa Coretz Goemann Co-Chairperson Virginia Juvenile Justice Coalition T.C Williams School of Law University of Richmond 28 Westhampton Way Richmond, VA 23173</p>	<ul style="list-style-type: none"> • Letter of support • Important features of regulations: timelines for prompt re-enrollment; involvement of key individuals at Department of Correctional Education and the community school • Strengthen child’s role by requiring that transition team develop preliminary re-enrollment plan in consultation with the child and that the child approve the final plan • Expand definition of “educational programs” to include provision of educational services to “all students who have not yet received a high school diploma or GED” rather than those of compulsory school age 	<p>Wording has been added to the revised proposed regulations to specify that the preliminary re-enrollment plan and final re-enrollment plan is developed in consultation with the student. References to “compulsory school age” have been deleted from the regulations.</p>
<p>Jean Auldridge Director Virginia C.U.R.E. P.O. Box 19453 Alexandria, VA 22320</p>	<ul style="list-style-type: none"> • Letter of support and commendation <p>Key elements: specificity of re-enrollment plan components; maintenance and transfer of scholastic records requirements; assignment of roles and responsibilities; specific timelines</p>	<p>None required</p>
<p>Rachel S. Potter Assistant Principal, Beverly Manor Middle School Augusta County Public Schools, Virginia</p>	<ul style="list-style-type: none"> • Support of regulations through written comment • Regulations are addressing barriers to re-enrollment and take positive approach to planning for interagency collaborative efforts to facilitate child-centered approach • Regulations provide clear definitions and procedures • Regulations involve parents, foster collaborative effort with agencies • Establishment of school-division re-enrollment coordinator with specific, identified responsibilities will help provide necessary follow-through • Regulations provide for specific contacts and documentations to re-enroll student appropriately 	<p>None required</p>
<p>Eileen and son</p>	<ul style="list-style-type: none"> • Public comment and letter of support 	<p>References to</p>

<p>Parent and Member of Virginia C.U.R.E. 8 W. Oak St Northern, VA</p>	<ul style="list-style-type: none"> • First hand experience with re-enrollment; letter of support • Under the definition section, 20-660-10, add a definition for eligible “school age” that matches state rules for school attendance to allow students over 18 to continue high school education. Delete references to “compulsory school age or students eligible for special education services.” • Clarify the use of term “re-enrollment.” “It should refer to the process of getting eligible students released from DJJ facilities back into school.” Does not have to be the specific school they left. • Consideration of a school’s schedule is a reason to modify (shorten) timeline slightly if a semester is about to start in order to have student begin at start date • It is essential that “education be easily available to juveniles returning from DJJ system.” Education will keep a young person occupied and “build a foundation for a more concrete occupation,” allowing fewer chances for breaking the law and having another commitment. 	<p>“compulsory school age” have been deleted from the revised proposed regulations. A definition of “re-enrollment” has been added to Part I of the revised proposed regulations.</p>
<p>Ruth Hall Roper 6057 River Crescent Norfolk, VA 23505</p>	<ul style="list-style-type: none"> • Child’s entire school file should be transferred for review to the court prior to sentencing to determine if the child has a disability or is suspected of having a disability • Appropriate measure should be taken prior to sentencing and commitment to DJJS to determine if child has a disability and to ensure that appropriate services are provided during commitment to DJJS • Ensure that receiving school immediately prepares an IEP for students returning to the classroom with all of the appropriate supports 	<p>A reference to including information in the student record transferred from the sending school division concerning special education eligibility and services have been added to Part IV, Maintenance and Transfer of the Scholastic Record. A reference to a student’s Individualized Education Plan (IEP) as a re-enrollment plan component if appropriate has been added to Part III, B. Development of Final Re-Enrollment Plan.</p>
<p>State Special Education Advisory Committee</p>	<ul style="list-style-type: none"> • Include references to the IEP team as part of the definitions of re-enrollment and transition team in the regulations “if applicable.” • Under Part II, A. (4), re-enrollment plan components, educational and re-entry goals, add “developed in coordination with the 	<p>References to the IEP team and to the inclusion of an approved IEP in the final re-enrollment plan if the student is enrolled in special</p>

	<p>student’s IEP team, if appropriate.”</p> <ul style="list-style-type: none"> • Under Part III, B. (1)(e), development of final re-enrollment plan, add “an approved IEP if the student is enrolled in special education.” • Include detention centers in the regulations, if detention exceeds a certain number of days and the student has been removed from the school’s rolls 	<p>education have been added to the revised proposed regulations as suggested.</p>
<p>Kevin Keenan JustChildren Charlottesville, Virginia</p>	<ul style="list-style-type: none"> • Public comment in support 	<p>None required</p>
<p>Andrew Block JustChildren Charlottesville, Virginia</p>	<ul style="list-style-type: none"> • Public comment in support • Change language under re-enrollment process, Part III, C.(1) to state that “The re-enrollment plan shall be implemented by the receiving school division within two days of the student’s release.” • Provide a standard and consistent definition of “eligible.” • Under Part III, A.(4) Add language to provide for an opportunity for a student to participate in the re-enrollment final plan development by telephonic or electronic means. 	<p>Definition of “eligible” has been added. Wording in Part III A.(4) remains as proposed and presents objective of student participation. Language in 8 VAC 20-660-40 C.(1) remains the same to reflect responsibilities of all parties to achieve re-enrollment within a maximum of two days of release.</p>

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

The regulations are new.

The first section of the proposed regulations provides the legal authority for the Board of Education, in cooperation with the Board of Correctional Education, to promulgate the regulations. The section also provides the goals for the regulations and purpose. (See above.)

Part I of the proposed regulations provides the definitions of words and terms used in the regulations. The definition section is meant to provide clarity and explanations of the terms used. The definitions as presented follow.

“Educational status” includes but is not limited to the most recent assessment results, including standardized tests, inclusion of a student’s special education eligibility and related evaluations, most

recent Individualized Education Plan (IEP) if applicable, academic credits and partial credits earned, and participation in career and technical programs, if applicable

“Educational programs” means educational programs that are designed to provide educational services to eligible students who are receiving such services in school divisions, juvenile correctional centers, jails, juvenile detention homes/centers, or state operated programs.

“Eligible” means of school age or eligible for special education services as defined in §§ 22.1-1, 22.1-5, and 22.1-213 of the Code of Virginia.

“Final re-enrollment plan” means the written documentation developed by the receiving school division that addresses the student’s education program, placement, and support services upon re-enrollment.

“Preliminary re-enrollment plan” means the written documentation for a person to be released from Department of Juvenile Justice custody who is of school attendance age or is eligible for special education services pursuant to § [22.1-213](#) of the Code of Virginia. The plan describes the student’s educational history while in the custody of the Department of Juvenile Justice, current status, identification of school placement upon release, recommendations for an education program following re-enrollment, and recommendations for student supports, such as counseling services.

“Receiving school division” means the school division or state operated program where a student will enroll upon release from the custody of the Department of Juvenile Justice. “Re-enrollment” means the process of transitioning eligible youth released from the Department of Juvenile Justice custody into attendance in public schools.

“Re-enrollment coordinator” means the school division or state operated program staff person designated to work with the parole officer, the Department of Correctional Education or detention home/center educational personnel the transition team, the re-enrollment team, and the IEP team if applicable, to coordinate the development of the re-enrollment plan.

“Re-enrollment team” means the group convened by the division superintendent or designee of the receiving school division to prepare for and implement the re-enrollment of the student. The re-enrollment team shall include, at a minimum, the guidance counselor, the special education director or qualified designee as appropriate, the principal or assistant principal if designated, the re-enrollment coordinator, and the parole officer. The student’s parent(s) or legal guardians(s) and the school social worker or psychologist shall be invited to participate in meetings of the re-enrollment team.

The re-enrollment team shall consult the student. If a student is eligible for special education services, the re-enrollment team shall coordinate planning with the student’s IEP team.

“Scholastic record” means records that are directly related to a student and that are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, the high school transcript, student disciplinary records, achievement and test data, cumulative health records to include immunization records, reports of assessment for eligibility for special education services, and Individualized Education Programs (IEPs). The term “scholastic record” does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Also, in accordance with 22.1-289 of the Code of Virginia, a notice of adjudication or conviction received by a superintendent relating to an incident that did not occur on school property or during a school-sponsored activity shall not be part of a student’s scholastic record.

“Students in detention homes/centers” means those students residing in detention homes or centers for more than 30 calendar days.

“Transition team” means the Department of Correctional Education (DCE) or detention home/center principal or assistant principal, the DCE or detention home/center counselor, the DCE transition specialist or the detention home/center teacher, the Juvenile Correctional Center counselor, a representative of the student’s IEP team, if applicable, and the student’s parole officer. This team assembles the student’s scholastic record and other relevant documents, develops the preliminary re-enrollment plan in consultation with the student, and provides information and the preliminary plan to the receiving school division. Transition team members may also include the school division of origin for the student, if different from the receiving school division, and the re-enrollment coordinator. Transition team members may also be part of the re-enrollment team.

Part II of the proposed re-enrollment regulations names the required components of the plan to ensure consistency. These components include but are not limited to:

1. Educational status and recommendations prior to commitment
2. Educational status and recommendations of the Department of Correctional Education during the student’s stay at the Reception and Diagnostic Center
3. Educational status and recommendations while in the custody of the Department of Juvenile Justice
4. Educational and re-entry goals for the student developed in coordination with the student’s IEP team if applicable
5. Other student supports needed to promote the student’s successful re-entry to public school, such as counseling services
6. Anticipated dates and timelines for scheduled release to the receiving school division or for court review of the case, and for re-enrollment
7. Establishment of school placement upon release
8. Contact information for representatives of detention homes/centers if applicable, the Department of Juvenile Justice, the Department of Correctional Education, and the re-enrollment coordinator of the school division

Part III of the proposed regulations prescribes the responsibilities of the participating parties in the transition of the student from the juvenile correctional system to the public schools and the process to be followed, including timelines. The section is necessary to ensure that the re-enrollment plan is developed on a timely basis with comprehensive information as the basis. The section also addresses the necessary communication that should take place between the participating agencies and school divisions, including the provision of records and collaboration on the development of the re-enrollment plan.

The proposed process and responsibilities and timelines are as follows:

A. Notification and Convening of Teams

1. The Department of Juvenile Justice, through the Juvenile Correctional Center’s counselor, shall provide written notification to the Department of Correctional Education principal, detention home/center educational program principal or designated educational

authority at least 30 calendar days prior to the scheduled release of a student or a scheduled case review in court.

2. Upon notification, the transition team shall prepare and assemble the documents and scholastic record that support the development of the re-enrollment plan. Also upon notification, the Department of Correctional Education or detention home/center superintendent will provide a letter of pending release and an informative outline of the re-enrollment process within five business days to the re-enrollment coordinator for the receiving school division and the student's parent(s) or guardian(s). The school division shall confirm receipt of notification with the Department of Correctional Education or detention home/center within five business days.
3. At least 25 calendar days prior to the court review or pending release of a student, and after review with the student, the Department of Correctional Education or Detention Home Educational Program, shall forward the student's scholastic record and a preliminary re-enrollment plan developed in consultation with the student to the school division re-enrollment coordinator.
4. Within 10 business days of receipt of the materials, the re-enrollment coordinator shall convene the re-enrollment team to review the preliminary re-enrollment plan and develop the final plan. The student's parent(s) or legal guardian(s) shall be invited by the re-enrollment coordinator to attend a meeting where the final re-enrollment plan will be developed. The parent(s) or legal guardian(s) may designate a member of the transition team, or someone else, to represent him or her at the meeting. The student shall be consulted in the development of the plan.
5. Notice of the scheduled meeting to develop the re-enrollment plan will be given to all potential participants by the receiving school division a minimum of one week prior to the meeting.
6. Other individuals who have knowledge or expertise regarding the student may participate, at the discretion of the members of the re-enrollment team or parent(s) or legal guardian(s), or if the student is of majority age and eligible for special education services, at the discretion of the student.

B. Development of Final Re-Enrollment Plan.

1. The re-enrollment team shall develop a final re-enrollment plan that clearly states:
 - a. The educational placement of the student and timeframe for placement
 - b. The names of persons with responsibility and authority for prompt enrollment and their contact information
 - c. The student's scheduled academic program and other supportive activities or services as appropriate
 - d. The names and contact information of the members of transition and re-enrollment teams
 - e. Any other required components, including an approved IEP if the student is enrolled in special education
2. Copies of the final plan shall be provided to the student, parent(s) or legal guardian(s), and to all transition and re-enrollment plan members no later than 10 calendar days prior to release.

C. Re-enrollment.

1. The re-enrollment plan shall make it possible for the student to enroll and receive instruction in the receiving school district within two school days of release.
2. After the Department of Juvenile Justice gives notice of a student's scheduled release, the student may not be suspended or expelled from school programs for the offenses for which he or she was committed.
3. Placement of students in alternative education programs shall be in accordance with § 22.1-277.2 of the Code of Virginia.
4. Upon re-enrollment the student shall received weekly counseling for a determined period of time.
5. The receiving school division shall protect the confidentiality of the student's juvenile justice record according to applicable federal and state laws and regulations.

Part IV of the proposed regulations provides the requirements for the maintenance and transfer of the student's scholastic record. This section ensures that the student's record will be readily available when release of a student is pending, and that it will be transferred among agencies and school divisions according to federal and state law. Maintenance of the record by the school division in which the student was last enrolled will ensure the documentation of progress of the student while instructed within the Department of Correctional Education schools. Timely transfer of records is critical to determining the academic program of the student, both when he or she enters the juvenile justice system and when the student is released back to a public school.

The requirements for the maintenance and transfer of the student record are:

- A. Within two business days of the court's order of commitment to the Department of Juvenile Justice, the student's probation/parole officer will request the scholastic record from the school division where the student was last enrolled.
- B. The re-enrollment coordinator for that school division will provide the record, including information concerning special education eligibility and services, and any other requested information to the Reception and Diagnostic Center or detention home/center to the attention of the Department of Correctional Education or Detention Home Education Program within five business days of receipt of the probation officer's request.
- C. The school division where the student was last enrolled ("sending school division") will maintain the student's scholastic record during the period that the student is in the custody of the Department of Juvenile Justice. The Department of Correctional Education or Detention Home Education Program will provide copies of year-end transcripts to the re-enrollment coordinator of the sending school division at the same time the transcripts are sent to parents or legal guardians.
- D. The transfer and management of scholastic records between educational programs shall be in accordance with the Code of Virginia and the Family Educational Rights and Privacy Act.
- E. School divisions shall provide current contact information for re-enrollment coordinators to the Departments of Education and Correctional Education that shall be made available to the public.

Regulatory flexibility analysis

Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

These regulations do not affect small business.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The regulations will have a positive impact on the family since they address the continuance of the education of a child upon release from a juvenile correctional center or detention home/center. They would strengthen the rights of parents in regards to the continuation of educational opportunities for their children upon release.

Parents have been faced with enrollment difficulties due to lack of timely receipt of the student's records and inadequate notification. These circumstances would often delay re-enrollment or the planning of appropriate educational and support services for the student. It is crucial that students are involved in an appropriate educational program while in a correctional center or detention home/center, and upon release. The incidence of recidivism becomes greater when enrollment is not available soon after release.

The regulation would provide for the exchange of educational information among the court services, school divisions, and correctional centers and detention/homes. The re-enrollment plan would represent an informed decision regarding placement and enrollment of a student who is in the custody of the juvenile justice system prior to release.